

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRICORE, INC.,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF
AMERICA AND R.P. IANNUCCILLO &
SONS CONSTRUCTION COMPANY,

Defendants.

CIVIL ACTION NO. 1:04-CV-12393-MLW

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

This will certify that undersigned counsel has conferred with Mr. Kirk Austin of Safeco Insurance Company of America: (a) with a view to establishing a budget of the costs of conducting the full course, and various alternative courses, of the litigation; and (b) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

/s/ Jonathan C. Burwood

/s/ Kirk Austin

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